

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-02199-CKK

AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF
LABOR

Assigned to: Judge Colleen Kollar-Kotelly

Demand: \$0

Cause: 05:552 Freedom of Information Act

Plaintiff

AMERICAN OVERSIGHT

Date Filed: 10/24/2017

Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: U.S. Government Defendant

represented by **Cerissa Cafasso**
 AMERICAN OVERSIGHT
 1030 15th Street, NW
 Suite B255
 Washington, DC 20005
 (202) 869-5244
 Fax: (202) 871-6523
 Email: cerissa.cafasso@americanoversight.org
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF LABOR

represented by **Daniel Patrick Schaefer**
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2531
 Fax: (202) 252-2599
 Email: Daniel.Schaefer@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|---|
| 10/24/2017 | <u>1</u> | COMPLAINT against U.S. DEPARTMENT OF LABOR (Filing fee \$ 400 receipt number 0090-5172248) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Cafasso, Cerissa) (Entered: 10/24/2017) |
| 10/24/2017 | <u>2</u> | LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (Cafasso, Cerissa) (Entered: 10/24/2017) |
| 10/24/2017 | | Case Assigned to Judge Colleen Kollar-Kotelly. (zsb) (Entered: 10/24/2017) |
| 10/24/2017 | <u>3</u> | SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF LABOR, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 10/24/2017) |
| 10/24/2017 | <u>4</u> | ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 10/24/17. (DM) (Entered: 10/24/2017) |
| 11/03/2017 | <u>5</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/30/2017. (Answer due for ALL FEDERAL DEFENDANTS by 11/29/2017.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF LABOR served on 10/30/2017, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 10/30/2017. (Attachments: # <u>1</u> Exhibit |

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| | | A)(Cafasso, Cerissa) (Entered: 11/03/2017) |
| 11/29/2017 | <u>6</u> | NOTICE of Appearance by Daniel Patrick Schaefer on behalf of U.S. DEPARTMENT OF LABOR (Schaefer, Daniel) (Entered: 11/29/2017) |
| 11/29/2017 | <u>7</u> | ANSWER to Complaint by U.S. DEPARTMENT OF LABOR.(Schaefer, Daniel) (Entered: 11/29/2017) |
| 11/30/2017 | <u>8</u> | ORDER. The parties shall MEET AND CONFER and file a Joint Status Report not later than DECEMBER 29, 2017. Signed by Judge Colleen Kollar-Kotelly on 11/30/2017. (lcckk3) (Entered: 11/30/2017) |
| 11/30/2017 | | Set/Reset Deadlines: Joint Status Report due by 12/29/2017. (dot) (Entered: 12/06/2017) |
| 12/19/2017 | <u>9</u> | Joint MOTION for Extension of Time to File <i>a Joint Status Report by U.S. Department of Labor and by AMERICAN OVERSIGHT</i> (Attachments: # <u>1</u> Text of Proposed Order)(Cafasso, Cerissa) (Entered: 12/19/2017) |
| 12/20/2017 | <u>10</u> | ORDER GRANTING <u>9</u> Motion for Extension of Time to File. Signed by Judge Colleen Kollar-Kotelly on 12/20/2017. (lcckk3) (Entered: 12/20/2017) |
| 12/20/2017 | | Set/Reset Deadlines: Joint Status Report due by 1/10/2018. (dot) (Entered: 12/20/2017) |
| 01/10/2018 | <u>11</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF LABOR. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 01/10/2018) |
| 01/11/2018 | | MINUTE ORDER. The Court is in receipt of the parties' <u>11</u> Joint Status Report. The parties represent that Defendant's search for records responsive to Plaintiff's FOIA requests is underway but not yet complete, and that it is not yet clear whether there will be a need for summary judgment briefing in this case. The parties propose that they file a Joint Status Report proposing a schedule for proceeding further by February 7, 2018. In the meantime, the parties represent that they will meet and confer regarding the scope of Defendant's search. The parties shall file a further Joint Status Report by no later than FEBRUARY 7, 2018, updating the Court on the status of Plaintiff's FOIA requests. Signed by Judge Colleen Kollar-Kotelly on 1/11/2018. (lcckk3) (Entered: 01/11/2018) |
| 01/11/2018 | | Set/Reset Deadlines: Joint Status Report due by 2/7/2018. (dot) (Entered: 01/12/2018) |
| 01/22/2018 | <u>12</u> | Consent MOTION to Stay <i>Litigation</i> by U.S. DEPARTMENT OF LABOR (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 01/22/2018) |
| 01/23/2018 | | MINUTE ORDER. The Court is in receipt of Defendant's <u>12</u> Motion for a Stay. Defendant moved to stay this case in light of the lapse of appropriations to the Department of Justice and other executive agencies. Funding for those agencies lapsed for one business day, but has now been temporarily restored. Defendant's motion to stay this case is accordingly MOOT and therefore DENIED. In light of the temporary government shutdown, which lasted one business day, the Court will extend the parties' deadline to file their Joint Status Report from February 7, 2018 until FEBRUARY 8, 2018. Signed by Judge Colleen Kollar-Kotelly on 1/23/2018. (lcckk3) (Entered: 01/23/2018) |
| 01/23/2018 | | Set/Reset Deadlines: Joint Status Report due by 2/8/2018. (dot) (Entered: 01/29/2018) |
| 02/08/2018 | <u>13</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF LABOR. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 02/08/2018) |
| 02/08/2018 | | MINUTE ORDER. The Court is in receipt of the parties' <u>13</u> Joint Status Report. The parties represent that Defendant has located a number of records that are potentially responsive to Plaintiff's FOIA request, and that those records are now being reviewed for responsiveness. The parties are also meeting and conferring about potential ways to narrow the group of records that need to be reviewed, and about the nature of Defendant's search efforts. The parties propose that they file another Joint Status Report proposing a schedule for proceeding further by March 13, 2018. Accordingly, the parties are ORDERED to file a further Joint Status Report by no later than MARCH 13, 2018, updating the Court on the status of Plaintiff's FOIA request. Signed by Judge Colleen Kollar-Kotelly on 2/8/2018. (lcckk3) (Entered: 02/08/2018) |

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| 02/08/2018 | | Set/Reset Deadlines: Joint Status Report due by 3/13/2018. (dot) (Entered: 02/09/2018) |
| 03/13/2018 | <u>14</u> | Joint STATUS REPORT by U.S. Department of Labor and by AMERICAN OVERSIGHT. (Cafasso, Cerissa) (Entered: 03/13/2018) |
| 03/14/2018 | <u>15</u> | ORDER. The parties shall file a Joint Status Report by no later than APRIL 24, 2018. Signed by Judge Colleen Kollar-Kotelly on 3/14/2018. (lcckk3) (Entered: 03/14/2018) |
| 03/14/2018 | | Set/Reset Deadlines: Joint Status Report due by 4/24/2018. (dot) (Entered: 03/19/2018) |
| 04/24/2018 | <u>16</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF LABOR. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 04/24/2018) |
| 04/25/2018 | | MINUTE ORDER. The Court is in receipt of the parties' <u>16</u> Joint Status Report. The parties represent that Defendant has not made any productions of records since the parties filed their last Joint Status Report on March 13, 2018. The parties are apparently in the process of meeting and conferring about a number of issues related to Defendant's search for and production of responsive records. Plaintiff has propounded several questions to Defendant, in large part requesting that Defendant agree to concrete schedules for completing the search for and production of various categories of documents. The parties propose that they file another Joint Status Report by May 2, 2018, in which they will propose a schedule based on Defendant's answers to Plaintiff's questions. The parties are ORDERED to MEET AND CONFER to attempt to reach a mutually agreeable solution to the various issues raised by Plaintiff, and file a further Joint Status Report by no later than MAY 2, 2018. Signed by Judge Colleen Kollar-Kotelly on 4/25/2018. (lcckk3) (Entered: 04/25/2018) |
| 04/25/2018 | | Set/Reset Deadlines: Joint Status Report due by 5/2/2018. (dot) (Entered: 04/26/2018) |
| 05/02/2018 | <u>17</u> | Joint STATUS REPORT by U.S. Department of Labor and by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Text of Proposed Order)(Cafasso, Cerissa) (Entered: 05/02/2018) |
| 05/03/2018 | | MINUTE ORDER. The Court is in receipt of the parties' <u>17</u> Joint Status Report. On April 24, 2018, the parties filed a Joint Status Report in which they represented that Defendant had not made any productions of records since the parties filed their last Joint Status Report on March 13, 2018. The parties are apparently in the process of meeting and conferring about a number of issues related to Defendant's search for and production of responsive records. Plaintiff has propounded several questions to Defendant, in large part requesting that Defendant agree to concrete schedules for completing the search for and production of various categories of documents. The parties proposed that they file another Joint Status Report by May 2, 2018, and the Court ordered them to do so. The Court is now in receipt of that Joint Status Report, in which the parties indicate that they need additional time to confer about these issues due to an emergency leave taken by agency counsel. Accordingly, the parties are again ORDERED to MEET AND CONFER to attempt to reach a mutually agreeable solution to the various issues raised by Plaintiff, and file a further Joint Status Report by no later than MAY 9, 2018. Signed by Judge Colleen Kollar-Kotelly on 5/3/2018. (lcckk3) (Entered: 05/03/2018) |
| 05/03/2018 | | Set/Reset Deadlines: Joint Status Report due by 5/9/2018. (kt) (Entered: 05/03/2018) |
| 05/03/2018 | | Set/Reset Deadlines: Joint Status Report due by 5/9/2018. (dot) (Entered: 05/04/2018) |
| 05/09/2018 | <u>18</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF LABOR. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 05/09/2018) |
| 05/16/2018 | | MINUTE ORDER. The Court is in receipt of the parties' <u>18</u> Joint Status Report. The report provides updates on the status of Defendant's search, review and production of documents responsive to Plaintiff's FOIA requests. The parties propose filing a further joint status report by June 11, 2018, updating the Court on the status of Defendant's searches and reviews. Plaintiff additionally requests that the Court order Defendant to produce certain records by dates certain in June and July, 2018. Defendant opposes this request and represents that it is overwhelmed with FOIA requests and related litigation. It requests that the Court not order it to produce documents by the dates requested by Plaintiff, because it is not able to determine at this point if those |

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| | | deadlines can reasonably be met. The Court will not order Defendant to adhere to any particular deadlines at this point. The parties shall file a further Joint Status Report by no later than JUNE 11, 2018. In that report, Defendant shall propose deadlines for its production of records responsive to Plaintiff's requests. Signed by Judge Colleen Kollar-Kotelly on 5/16/2018. (lcckk3) (Entered: 05/16/2018) |
| 05/16/2018 | | Set/Reset Deadlines: Joint Status Report due by 6/11/2018. (dot) (Entered: 05/16/2018) |
| 06/11/2018 | <u>19</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF LABOR. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 06/11/2018) |
| 06/12/2018 | | MINUTE ORDER. The Court is in receipt of the parties' <u>19</u> Joint Status Report. The report provides updates on the status of Defendant's search, review and production of documents responsive to Plaintiff's FOIA requests. The report also contains several questions from Plaintiff about Defendant's processing of Plaintiff's requests. The parties propose meeting and conferring by June 25, 2018 to discuss these questions, and filing a further joint status report by July 11, 2018. The parties are ORDERED to MEET AND CONFER by no later than JUNE 25, 2018, and file a further Joint Status Report by no later than JULY 11, 2018, updating the Court on the status of Defendant's processing of Plaintiff's FOIA requests. Signed by Judge Colleen Kollar-Kotelly on 6/12/2018. (lcckk3) (Entered: 06/12/2018) |
| 06/12/2018 | | Set/Reset Deadlines: Attorneys to Meet and Confer by 6/25/2018. Joint Status Report due by 7/11/2018, updating the Court on the status of Defendant's processing of Plaintiff's FOIA. (dot) (Entered: 06/13/2018) |
| 07/11/2018 | <u>20</u> | Joint STATUS REPORT by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Text of Proposed Order)(Cafasso, Cerissa) (Entered: 07/11/2018) |
| 07/12/2018 | | MINUTE ORDER. The Court is in receipt of the parties' <u>20</u> Joint Status Report. The report provides updates on the status of Defendant's search, review and production of documents responsive to Plaintiff's FOIA requests. The parties propose filing a further Joint Status Report by August 30, 2018. The parties are ORDERED to file a further Joint Status Report by no later than AUGUST 30, 2018, updating the Court on the status of Defendant's processing of Plaintiff's FOIA requests. Signed by Judge Colleen Kollar-Kotelly on 7/12/2018. (lcckk3) (Entered: 07/12/2018) |
| 07/12/2018 | | Set/Reset Deadlines: Joint Status Report due by 8/30/2018, updating the Court on the status of Defendant's processing of Plaintiff's FOIA requests. (dot) (Entered: 07/12/2018) |
| 08/30/2018 | <u>21</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF LABOR. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 08/30/2018) |
| 08/31/2018 | | MINUTE ORDER. The Court is in receipt of the parties' <u>21</u> Joint Status Report. The report provides updates on the status of Defendant's search, review and production of documents responsive to Plaintiff's FOIA requests. The parties propose filing a further Joint Status Report by October 29, 2018. The parties are ORDERED to file a further Joint Status Report by no later than OCTOBER 29, 2018, updating the Court on the status of Defendant's processing of Plaintiff's FOIA requests. The parties are further ORDERED to file additional Joint Status Reports every 60 days thereafter. The parties are also free to file Joint Status Reports between the filing deadlines if issues arise that require the Court's attention. Signed by Judge Colleen Kollar-Kotelly on 8/31/2018. (lcckk3) (Entered: 08/31/2018) |
| 08/31/2018 | | Set/Reset Deadlines: Joint Status Report due by 10/29/2018, updating the Court on the status of Defendant's processing of Plaintiff's FOIA requests. (dot) (Entered: 09/06/2018) |
| 10/29/2018 | <u>22</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF LABOR. (Schaefer, Daniel) (Entered: 10/29/2018) |
| 12/19/2018 | <u>23</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF LABOR. (Schaefer, Daniel) (Entered: 12/19/2018) |
| 02/26/2019 | <u>24</u> | Joint STATUS REPORT by AMERICAN OVERSIGHT. (Cafasso, Cerissa) (Entered: 02/26/2019) |

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| 04/29/2019 | <u>25</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF LABOR. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 04/29/2019) |
| 04/29/2019 | | MINUTE ORDER. The Court is in receipt of the parties' <u>25</u> Joint Status Report. The parties report that they have resolved the merits of the claims relating to one of Plaintiff's FOIA requests. The parties are working to resolve the claims relating to Plaintiff's other FOIA request. The Court ORDERS the parties to file another Joint Status Report on or before MAY 29, 2019 updating the Court on their progress and proposing a schedule for any further proceedings, if a stipulation of dismissal has not be filed by that date. Signed by Judge Colleen Kollar-Kotelly on 4/29/2019. (lcckk3) (Entered: 04/29/2019) |
| 04/29/2019 | | Set/Reset Deadlines: Joint Status Report due by 5/29/2019, updating the Court on their progress and proposing a schedule for any further proceedings, if a stipulation of dismissal has not be filed by that date. (dot) (Entered: 04/30/2019) |
| 05/29/2019 | <u>26</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF LABOR. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 05/29/2019) |
| 05/29/2019 | | MINUTE ORDER. The Court is in receipt of the parties' <u>26</u> Joint Status Report. The parties report that they have resolved the merits of the claims relating to one of Plaintiff's FOIA requests. The parties are still working to resolve the claims relating to Plaintiff's other FOIA request. The Court ORDERS the parties to file another Joint Status Report on or before JUNE 28, 2019 updating the Court on their progress and proposing a schedule for any further proceedings, if a stipulation of dismissal has not been filed by that date. Signed by Judge Colleen Kollar-Kotelly on 5-29-2019. (lcckk3) (Entered: 05/29/2019) |
| 05/29/2019 | | Set/Reset Deadlines: Joint Status Report due by 6/28/2019, updating the Court on their progress and proposing a schedule for any further proceedings, if a stipulation of dismissal has not been filed by that date. (dot) (Entered: 05/30/2019) |
| 06/28/2019 | <u>27</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF LABOR. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 06/28/2019) |